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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,345	07/23/2003	Peter M. Stevens--	22032.NP	9130

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EXAMINER

TRETTEL, MICHAEL

ART UNIT	PAPER NUMBER
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3673

DATE MAILED: 06/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/626,345

Applicant(s)

STEVENS, PETER M.

Examiner

Michael Trettel

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19-21 is/are allowed.
- 6) ☒ Claim(s) 1-18, 22-29, 31-37 and 39 is/are rejected.
- 7) ☒ Claim(s) 30 and 38 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 to 3, 5 to 7, 9 to 12, 14 to 16, 18, 23, and 25 to 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson (2,910,259). Johnson shows a surgical arm rest 14 that comprises two distinct and substantially planar sections 16, 18 that are vertically spaced with respect to one another and connected by an offset portion 20 set at a right angle with respect to sections 16 and 18. Section 16 is used to retain the arm rest upon a table by being slipped between a mattress and the table and held in place by a patient's weight. Section 18 is used to support the patient's arm and extends away from the table in a cantilevered fashion, as is shown in Figure 1. The arm rest is made from plastic material, fiberglass, reinforced fibrous material, or thin sheet metal, of which at least some are x-ray transparent.

Claims 1, 6, 7, 8, 10, 12, 15, 16, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Corbin (5,642,541). Corbin shows a bedside reading table 10 made from a planar sheet of plastic material bent to form at least a base 20 and a tray 26 set at an oblique angle with respect to the base. A connector section 22 attaches the tray and base to one another and includes a bent portion 24 that sets the oblique angle between the two section. While not meant

to be used as a body rest, the device meets all the structural details claimed and could inherently be used to support a body part if so desired. Note that the device can be used as a writing surface, which means that it does serve to support a user's hands at least part of the time.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 13, 22, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson. The thickness of the sheet material used to make the Johnson arm rest is not specified. It would appear that the thickness of the material used would be within the level of ordinary skill in the art, since the applicant has not demonstrated or shown any criticality associated with this parameter and since it is presumed that the skilled artisan would select a material which would be capable of performing the task for which the arm rest is meant to perform.

Claims 24 and 31 to 37 rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (2,910,259) in view of Omdal et al (6,101,650). The Johnson arm rest is meant to be used for surgical procedures, although reference is made to other procedures in column 1, lines 69 and 70. Omdal teaches that is known in the prior art to use a generally similar type of arm rest 10 upon an imaging table for the purpose of allowing imaging of a patient's arm extending away from the table. In view of the suggestion that a portable arm rest can be used for the

purpose of imaging a patient's arm, it would have been obvious to one of ordinary skill in the art to have used the Johnson arm rest as an imaging support extending away from an imaging table.

Allowable Subject Matter

Claims 30 and 38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 19 to 21 are allowed.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Feathers, Hanz, Kabanek, and Van Steenburg show auxiliary body supports that can be attached to a primary body support which are of general interest.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Trettel whose telephone number is 703-308-0416. The examiner can normally be reached on Monday, Tuesday, Thursday, or Friday from 7.30 am to 5.00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford, can be reached on (703) 308-2978. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



Michael Trettel
Primary Examiner
Art Unit 3673